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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,662	11/28/2001	Ernst Luthi	110857	8428

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EXAMINER

HARMON, CHRISTOPHER R

ART UNIT PAPER NUMBER

3721

DATE MAILED: 01/06/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,662

Applicant(s)

LUTHI ET AL.

Examiner

Christopher R Harmon

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9, 12, 15-16, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Pitman (EP 0034921).

Pitman discloses an apparatus for folding sheets comprising saddle knife 4; incipient rollers 2; removal rollers 3; see figure 1. Sheets are forwarded to an alignment tray (stop) in the gap between knife 4 and incipient rollers 2 (not shown; see page 4, lines 20-25).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4, 7-8, 13, 17, and 20-22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Pitman (EP 0034921).

It is unclear whether or not the incipient rollers "further convey" the folded sheet to the removal rollers. After the folding (and stapling) the sheet is then ejected. If the

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rollers do not retract the folded sheet from the stapler, it would have been obvious to one of ordinary skill in the art to do so by reversing the direction of the rollers.

Regarding the feed direction, Pitman does not disclose which direction the sheets are fed, however it would have been obvious to one of ordinary skill in the art at the time was made to feed the sheets in a parallel direction of the knife edge. Furthermore, it is not discernable how the end portions of the sheet are aligned nor how the grain of each sheet is aligned, however it would have been obvious to one of ordinary skill in the art to align the sheets in such a desired because Applicant has not disclosed that such alignment has an advantage, is used for a particular purpose, or solves a stated problem.

5. Claims 5-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitman (EP 0034921) in view of Wertheimer et al. (US 4,410,170).

Pitman does not directly disclose moving either the incipient rollers nor the removal rollers with respect to another, however Wertheimer et al. teach folding sheets with folding rollers 36, 38 and removal rollers 40, 42 mounted on bearing plates 184, 186 for movement when the sheets are passed between thereby pressing towards one another when the sheet passes through and remain spaced apart as the sheets are conveyed away; see figures 4, 7, 10 and column 6, lines 10-50. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include movable rollers in the invention to Pitman in order to properly fold sheets and/or stacks of sheets with varying thickness.

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6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pitman (EP 0034921) in view of Meratti (EP 0846573). Pitman does not disclose a saddle downstream the knife however Meratti teaches saddle 5 downstream folding knife 17 for transporting sheets. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the saddle of Meratti in the invention to Pitman in order to assist in transporting the folded sheets downstream.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pitman (EP 0034921) in view of Ochsner (US 5,779,232). Pitman does not disclose transporting belts however Ochsner teaches two transport belts 47-48 adjacent one another for transporting sheets. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the transport belts of Ochsner in the invention to Pitman for transporting the sheets downstream.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Harmon whose telephone number is 703-308-8643. The examiner can normally be reached on Monday-Thursday from 8-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ch



EUGENE KIM
PRIMARY EXAMINER